



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL
DIVISION OF WASTE AND HAZARDOUS SUBSTANCES
SOLID AND HAZARDOUS WASTE MANAGEMENT SECTION

89 KINGS HIGHWAY
DOVER, DELAWARE 19901

TELEPHONE: (302) 739-9403
FAX: (302) 739-5060

March 1, 2016

Mr. Joseph Matteo, President
Magnus Environmental Corporation
220 Marsh Lane
New Castle, DE 19720

Subject: Resource Recovery Facility Permit # SW-16/03
Reference: Magnus Environmental Corporation, File Code: 02.B

Dear Mr. Matteo:

The Delaware Department of Natural Resources & Environmental Control ("Department") Solid & Hazardous Waste Management Section ("SHWMS") is issuing Resource Recovery Facility Permit # SW-16/03 ("Permit") to Magnus Environmental Corporation ("Magnus"). The Permit allows Magnus to accept and process scrap tires at 220 Marsh Lane in New Castle, Delaware. This permit will expire on January 15, 2020.

Solid waste facility permits, such as a Resource Recovery Facility Permit, are assessed a \$7,000.00 annual permit fee on a 12 month cycle running October 1 to September 30. Due to the transition from a Beneficial Use Determination ("BUD") Approval to a Resource Recovery Facility Permit, Magnus will not be assessed any fee for the current billing cycle. The SHWMS is waiving what would be a prorated amount of \$4,083.33 for the remaining seven months (March – September) of the billing cycle. Magnus will receive a \$7,000.00 invoice in August 2016 for the period covering October 2016 – September 2017. Thereafter, Magnus will receive an annual permit fee invoice in August of each year for the duration of the permit.

Permit # SW-16/03 supersedes and replaces former Beneficial Use Determination Approval #39.

If you have any questions, please contact Mindy Anthony at (302) 739-9403.

Sincerely,

Nancy C. Marker On Behalf of

Nancy C. Marker
Environmental Program Administrator
Solid and Hazardous Waste Management Section

NCM:MA:krc
MagnusPermitCovLtr020116

Enclosure

Delaware's good nature depends on you!

Resource Recovery Facility Permit # SW-16/03

Effective Date: January 15, 2016

Expiration Date: January 15, 2020

Facility Name: Magnus Environmental Corporation
Mailing Address: 220 Marsh Lane
New Castle, DE 19720

Primary Contact: Joseph R. Matteo, President
(302) 655-4443 or (609) 413-5830

Secondary Contact: Hugh A. McCaughey
(302) 655-4443 or (609) 413-2036

Location of Approved Activity: 220 Marsh Lane
New Castle, DE 19720
Tax Parcel Number: 10-004.00-005

I. GENERAL CONDITIONS

- A. Pursuant to 7 Del. C., Section 6003 and Section 4.1 of DRGSW, the Department hereby issues a permit for Magnus Environmental Corporation ("Magnus") to operate a materials recovery facility at 220 Marsh Lane in New Castle, Delaware.
- B. This permit applies to the acceptance, processing, and storage of whole or shredded scrap tires. The acceptance, processing, or storage of waste other than described above and herein is prohibited.
- C. This permit is issued based upon the information provided in the following submittals:
 - 1. Magnus's Solid Waste Management Facility Application and supporting documentation received by DNREC on December 15, 2015;
 - 2. Financial Assurance: Letter of Credit in the amount of \$5,000.00 dated December 28, 2011.
 - 3. Email between Mindy Anthony and Joseph Matteo dated January 11, 2016 regarding follow-up questions of the permit application.
 - 4. Conditions of this permit shall take precedence over any of the above listed documents.
 - 5. Failure to comply with any condition of this permit or any provisions within the aforementioned documents is a violation of this permit.
- D. This permit is issued subject to the following general conditions:
 - 1. Access
Access to the facility by unauthorized persons shall be prevented by barriers, fences, and gates, or other suitable means. Representatives of DNREC may, at any reasonable time, enter the facility to verify compliance with the permit requirements, DRGSW, and 7 Del. C., Chapter 60.

2. Revocation or Suspension

This permit may be revoked or suspended upon violation of any condition of this permit, DRGSW, or 7 Del. C., Chapter 60.

3. Renewal

Per DRGSW Section 4.1.6, the permittee shall submit a permit application with all supporting documentation to DNREC at least one hundred and eighty (180) days prior to expiration if applicant desires to renew the permit.

4. Modifications

The Department may initiate modification of this permit if it finds that the existing permit conditions are either not adequate or not necessary to protect public health and the environment, as set forth in DRGSW Section 4.1.7.2. If the permittee desires to initiate a request for a major permit modification, the request shall be submitted to DNREC at least sixty (60) days prior to the desired implementation date.

5. Permit Availability

A copy of this permit and the *Plan of Operation* shall be maintained at the facility and immediately made available to any Department representative upon request.

6. Permit Transfer

At least 60 days prior to the date of the proposed transfer, the permittee must submit all documentation required by DRGSW Section 4.1.8. The actual transfer will be contingent upon the transferee's meeting all permit and regulatory requirements; until such time, the original permittee will remain liable for compliance regardless of who owns the facility.

7. Hours of Operation

Tires shall be received/processed five days per week, Monday through Friday 7:00 a.m. to 3:00 p.m., with the exception of holidays, emergency situations or other reasons as determined necessary by Magnus. Employees in the tire receiving and tire processing area may work beyond the stated hours as required.

8. Odor Control

This facility shall not cause or allow the emission of an odorous air contaminant in such quantities as to interfere with any person's enjoyment of life or property. No odors shall be perceived beyond the property boundary.

9. Litter

Magnus shall provide for litter removal and general cleanliness of the entire site. This includes removal and proper disposal and/or recycling of any tires or tire chips that fall along Marsh Lane.

10. Vectors

The materials recovery facility shall be operated in a manner to prevent the establishment of habitats for nuisance organisms (such as mosquitoes, flies, maggots, roaches, rodents, and similar vermin) and to mitigate nuisances and hazards to public health and the environment.

11. Dust Control

The materials recovery facility shall be operated in a manner to prevent dust emissions from causing a condition of air pollution (injurious to human, plant, or animal life or unreasonably interfering with the enjoyment of life and property). No dust generated from solid waste management activities shall be allowed to migrate outside of the facility boundaries.

12. General Maintenance

Good housekeeping practices shall be employed to protect public health and the environment and keep solid waste from accumulating onsite.

13. Health and Safety

- a. Employees at the site shall work under all appropriate health and safety guidelines established by the Occupational Safety and Health Administration.
- b. At a minimum, use of personal protective equipment shall be in accordance with 29 CFR Part 1910.132.
- c. First aid equipment shall be immediately available at the site.

14. Training

All employees who are to work in the tire processing area shall have received initial training in (1) Health and safety procedures, (2) Fire prevention and protection, (3) Emergency first aid and (4) CPR. Prior to working in the tire processing area, employees shall receive tire processing equipment operation training conducted by the equipment manufacturer's representative or another person specifically knowledgeable in the operation of the equipment. Training shall include the manufacturer's operating and maintenance manual, operation instruction, equipment safety features, and hazards that might be encountered. Unless otherwise specified by a nationally recognized training provider (for example, the American Red Cross as a training provider for First Aid), training shall be required initially and annually thereafter.

15. Contingency

- a. Magnus shall react to spills, fires, accidents, and other emergencies so as to protect public health and safety and the environment.
- b. Magnus shall maintain a current and correct list of emergency coordinators and emergency contact telephone numbers and shall notify the SHWMS within 5 business days of any changes therein. The most current list shall be prominently displayed in the scale house and in the Main building. All operating personnel shall be informed of its location and function.

II. OPERATIONS

A. Operations

1. Operations at Magnus shall be conducted in accordance with all federal, state, county, and municipal environmental statutes, ordinances, and regulations, including, but not limited to: DRGSW, Delaware's *Regulations Governing Hazardous Waste*, Delaware's *Regulations Governing the Control of Water Pollution*, Delaware's *Surface Water Quality Standards*, and Delaware's *Regulations Governing the Control of Air Pollution*.
2. Operations at the material recovery facility shall be conducted in accordance with this permit and the Resource Recovery Permit Application, including the *Plan of Operation*. Operations shall be conducted in a manner protective of public health and the environment.

B. Staffing

Sufficient numbers and types of personnel shall be available at the site to ensure capability for operation in accordance with DRGSW, the *Plan of Operation*, and this permit.

C. Waste Acceptance and Processing:

1. Magnus may accept any type of tire, in any condition, with or without a rim.

2. All incoming waste, rejected waste, outgoing waste, and outgoing products shall be weighed and recorded.
3. Upon arrival at the facility, all incoming loads of tires shall be inspected prior to, and after, unloading.
4. Any prohibited wastes listed in section II.F of this permit that are visible shall be reloaded onto the truck and removed immediately. If these wastes are noticed after the hauler/customer has left the Magnus facility, these wastes shall be immediately containerized and lawfully removed from the site within 72 hours of initial receipt.¹.

D. Storage

1. The total whole and processed tires on site shall not exceed 40 tons. This total includes all tires, whether they are stored outside, inside the building, or inside a trailer or other vehicle, as well as those tires intended for sale to tire merchants.
2. Tires shall not be stored outside for more than seven (7) days from receipt by Magnus.
3. Tires shall be removed and properly recycled/disposed of off-site within 72 hours of a request by the Department.

E. Acceptable Wastes

Magnus may accept any tire, in any condition, with or without rims.

F. Prohibited Wastes

Magnus shall exercise reasonable care to ascertain whether waste accepted by the facility is prohibited waste, and shall not accept the following prohibited waste, including but not limited to:

1. Plastics, glass
2. Municipal solid waste (trash/garbage)
3. Batteries, electronics
4. Sewage sludge and septage
5. Used oil or other automotive wastes
6. Infectious and medical wastes, radioactive materials, universal wastes or hazardous wastes

Reasonable care shall include contacting the waste transporter or individual generator if a visual determination regarding the acceptability of the waste material cannot be made.

Any loads that appear to contain any of the prohibited wastes listed above shall be rejected. These wastes shall be reloaded onto the truck and removed immediately. If these wastes are noticed after the hauler/customer has left the Magnus facility, these wastes shall be immediately containerized and lawfully removed from the site within 72 hours of initial receipt.¹

G. Operational Inspections

Daily operational inspections of the facility shall be conducted to ensure operations are being performed in accordance with the *Plan of Operation*. Any deficiencies noted during the inspection shall be corrected.

III. REPORTING

¹ For information on the proper handling and disposal of sewage sludge and septage, please contact the Division of Water at (302) 739-9946. For information on the proper handling and disposal of all other listed prohibited wastes, please contact the SHWMS at (302) 739-9403 and select option 8.

A. Financial Assurance

No later than February 1 of each calendar year, Magnus shall provide an updated closure cost estimate of third party closure of the facility which has been adjusted for inflation. An updated agreement from Emanuel Tire, LLC must also be provided as long as they play a part in Magnus' conceptual closure plan. If the estimate has increased over the amount of financial assurance provided, Magnus shall accordingly provide increased financial assurance, along with an updated Irrevocable Standby Letter of Credit, within six weeks of the submission of the updated closure cost estimate.

B. Annual Solid Waste Facility Report

1. No later than February 1 of each calendar year, Magnus shall submit an annual report for the previous calendar year and include the following information:
 - a. Quantity of tires received
 - b. Quantity, destination, and date of tires and rims shipped, listed separately
 - c. Quantity of tires and rims stored at the end of the each month for the calendar year

C. Emergency Reporting

1. Magnus shall notify the SHWMS immediately (or, if after business hours, the Environmental Emergency toll-free hotline at 1-800-662-8802) in the event of:
 - a. A shut down that results in solid waste being diverted from the facility.
 - b. Fire or explosion at the facility.
 - c. Receipt of prohibited waste at the facility.
 - d. Any spill or non-permitted release.
2. Magnus shall submit a written notification to the Department no later than five business days following any event requiring Emergency Reporting. The notification shall include the following:
 - a. Date and time of occurrence/discovery.
 - b. Date and time reported to DNREC. Include a reference number if reported to the Environmental Emergency hotline. When applicable, reports required to be submitted to the Department per Delaware's "Reporting of a Discharge of a Pollutant of Air Contaminant" regulations are in addition to and not in lieu of those herein.
 - c. Materials, quantities, and area involved. For spills or releases, include a sketch showing location and dimensions of the contaminated area.
 - d. List of agencies notified.
 - e. Narrative describing how the incident occurred and actions taken by Magnus and other response personnel to remedy the situation.
 - f. Report of injuries and/or damage.
 - g. Proposal for follow-up remedial actions including a schedule for implementation.

D. Noncompliance Reporting

Magnus shall report any instance of noncompliance with this permit to the SHWMS within 5 business days. Magnus shall take immediate action to correct the noncompliance.

E. Facility Changes

Magnus shall notify the SHWMS in writing within twenty-four (24) hours of any changes in the ownership, operators, name, or company officials.

IV. RECORDKEEPING

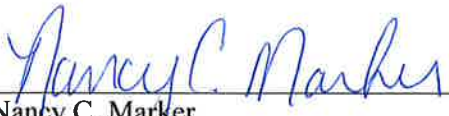
- A. Magnus shall record and maintain on site all data required by this Permit for a minimum of three (3) years and the records shall be immediately provided to the Department upon request, including:
 - 1. Daily, monthly, and annual tonnages for all incoming tires and rims
 - 2. A record of the type and weight of recyclable materials sent offsite each day and the name and address of the end-market user to which the recyclable materials were shipped.
 - 3. A record of any rejected loads and the reason for rejection.
 - 4. A record of the transporters (company name, address, telephone number, and solid waste transporter number, if applicable) delivering recyclable waste materials to the facility or removing solid wastes from the facility.
 - 5. A record of fires, spills, explosions, and uncontrolled releases that occurred at the facility.
 - 6. Operational inspection records
 - 7. Training records
 - 8. Records of any odor, litter, vector or dust complaints received by Magnus concerning the facility.
- B. A copy of the most current version of this permit shall be maintained at the facility and made immediately available to DNREC representatives upon request.

V. CLOSURE

- A. Magnus shall immediately notify the Department in writing the estimated date of facility closure and/or the date wastes will no longer be accepted.
- B. Magnus shall notify the Department in writing when closure activities are started, and again when closure is complete.
- C. Should Magnus cease the processing of scrap tires or disposal of tires at a waste-to-energy facility, within one hundred and eight (180) days of cessation of operation, all feedstock and shredded tires shall be recycled, re-used or disposed of off-site. All closure activities, including but not limited to, disposal, re-use, and recycling activities, undertaken in this section must be conducted per the requirements of the *DRGSW* and Delaware Code.
- D. During the 180 day closure period, the total amount of tires, whole and shredded, and by-products stored on site shall not exceed the limits specified in this Permit. By the end of the 180-day period, Magnus shall have all tires and by-products removed from the site.

VI. ADDITIONAL CONDITIONS:

- A. This Permit does not relieve Magnus from complying with any other applicable Federal, State, or Local laws, regulations or ordinances.
- B. Any violation of any condition of this Permit, regulation promulgated by the Department, Secretary's Orders, or provisions of 7 Del.C., Chapter 60, shall justify termination of this Permit, and implementation of appropriate enforcement action.



Nancy C. Marker
Environmental Program Administrator
Solid and Hazardous Waste Management Section

1-15-16
Date

Magnus Environmental Corporation
220 Marsh Lane
New Castle, DE 19720
Facility Boundaries

